

REMARKS

I. Preliminary Remarks

In this Supplemental Amendment, claims 1-14, 55-64 and 70-78 are noted as being cancelled to be consistent with the cancellation of Group I and III sets of claims in response to the restriction requirement dated March 17, 2004. In addition, claims 79 through 82 have been added by this supplemental amendment. In particular, substantially similar limitations recited in the original independent claims 1 and 2 have been incorporated into dependent form in dependent claims 79 and 80, respectively, both depending on the broader independent claim 15. The following is the original remarks noted in the Amendment filed on September 29, 2004 in response to the office action dated June 30, 2004.

The Office Action rejected claims 45 and 46 under 35 U.S.C. 112, second paragraph, for not providing proper antecedent basis. In response, claims 45 and 46 have been amended to provide sufficient antecedent basis. As such, the Applicant respectfully submits that the rejections to claims 45 and 46 be withdrawn. Further, claim 62 has been amended to correct a typographical error. Claims 15-54 and 65-69 are pending in this application.

The Applicant appreciates the Office Action indication that claims 17-21, 24, 26, 27, 29, 33-37, 50-51, 53, 54, 67, and 69 would be allowed if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

II. Rejections Under 35 U.S.C. 102(b) and 103(a)

The Office Action rejected claims 15, 16, 22, 23, 25, 28, 30-32, 38-44, 47-49, 52, 65, 66, and 68 as being either anticipated or obvious based on Avers (U.S. Patent No. 6,064,745). These rejections are respectfully traversed.

Avera teaches molding a phasing plug 10 with a plurality of radial slits in the form of channels 24 extending between the input entrance surface 14 and the outer surface 16. See Col. 2, lines 44-47. In addition, the phasing plug 10 is formed from molding a unitary body 12. See Col. 2, lines 28-32, and Col. 2, line 66 to Col. 3, line 6. In other words, the body 12 is molded out of one piece. In contrast, the claimed invention of this application is generally directed to a phasing plug assembly where it is formed from at least two pieces such as a first phasing plug

and a second phasing plug. With the phasing plug assembly, the first phasing plug may be formed with a tighter dimensional tolerance than the second phasing plug because having a tighter dimensional tolerance on the first phasing plug which is adjacent to the diaphragm of the compression driver improves the performance of the phasing plug assembly. As such, the first phasing plug may be manufactured with a tighter dimensional tolerance than the second phasing plug to reduce the cost of manufacturing the phasing plug assembly without compromising on the performance of the phasing plug assembly.

In this regard, independent claim 15 recites, in part, “a second phasing plug positioned substantially adjacent to the first phasing plug, both the first and second phasing plugs having a plurality of openings extending through both the first and second phasing plugs.” Independent claim 47 recites, in part, “a second phasing plug having a plurality of openings aligning with the plurality of openings in the first phasing plug when the second phasing plug is placed adjacent to the first phasing plug.” Avera does not teach or suggest the Applicant’s claimed invention because Avera teaches molding the phasing plug 10 from one piece rather than from at least two pieces such as the first phasing plug and the second phasing plug. Accordingly, independent claims 15 and 47, and their respective dependent claims are allowable over Avera.

With regard to dependent claim 16, Avera does not teach or suggest “the first intermediate side of the first phasing plug and the second intermediate side of the second phasing plug are positioned adjacent to one another in the assembly” because the phasing plug 10 of Avera is made from one piece.

Independent claim 65 recites, in part, “compressing air through a phasing plug assembly in at least two stages so that air passes through the first stage with better dimensional tolerances than through the second stage.” Avera does not teach or suggest having better dimensional tolerances through the first stage as compare to the second stage. Rather, Avera teaches having the same dimensional tolerance throughout the channels 24 between the input surface area 14 and the outer surface 16. See Col. 2, Lines 44-47. Accordingly, independent claim 65 and its dependent claims are allowable over Avera.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over the cited and applied references and are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicant's undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,



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